

ESTTA Tracking number: **ESTTA860836**

Filing date: **11/27/2017**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91237315
Party	Defendant Universal Life Church Monastery Storehouse, Inc.se, Inc.
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Date	11/27/2017
Attachments	Ans. & Aff. Defs. 112717.pdf(12293 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

AMERICAN MARRIAGE  
MINISTRIES,

Opposer,

v.

UNIVERSAL LIFE CHURCH  
MONASTERY STOREHOUSE, INC.

Applicant.

Opposition No. 91237315

ANSWER AND AFFIRMATIVE  
DEFENSES

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Applicant Universal Life Church Monastery Storehouse, Inc. (“Applicant”) states the following as its Answer to the Notice of Opposition filed by Opposer American Marriage Ministries (“Opposer”):

1. Applicant admits that Applicant is the owner of U.S. Application Serial No. 87430729 (the “Application”), which was filed on April 28, 2017, and seeks to register the mark “GET ORDAINED” used in connection with “On-line retail store services featuring clothing in the nature of shirts, hats, and stoles, stationery, business cards, bumper stickers, license plate holders, badges, pens, pins, musical sound recordings, bookmarks, bread, aromatic oil, portfolios, and publications in the nature of books, hand-outs, workbooks, manuals, brochures, and newsletters in the fields of religion, spirituality, marriage, law, and management” in International Class 35, and with “Conducting religious ceremonies; Ecclesiastical services, namely, ordaining ministers to perform religious ceremonies; Providing a website featuring

information about religious belief systems” in International Class 45. Applicant admits that the U.S. Patent & Trademark Office has identified the Application as being published in the Official Gazette on September 19, 2017. Applicant denies all other allegations.

2. Applicant admits that the Application identifies use in commerce at least as early as November 17, 2016, as a basis for registration for services in International Class 35 and use in commerce at least as early as July 10, 2011, as a basis for registration for services in International Class 45. Applicant denies all other allegations.

3. Applicant denies the allegations.

4. Applicant denies the allegations.

5. Applicant denies the allegations. The identification of services in the Application speaks for itself.

6. Admitted that the examining attorney did not require Applicant to disclaim any exclusive right to use “ORDAINED” apart from the GET ORDAINED trademark, and Applicant has not submitted any such disclaimer. All other allegations denied.

7. Applicant lacks sufficient information to admit or deny the allegations, and denies the allegations on that basis.

8. Applicant denies the allegations.

9. Applicant denies the allegations.

10. The allegations are statements of opinion to which no admission or denial is required. To the extent the allegations purport to be factual allegations, they are so vague and ambiguous that Applicant cannot reasonably prepare a response. To the extent the allegations

require admission or denial, Applicant lacks sufficient information to admit or deny the allegations, and denies the allegations on that basis.

11. The allegations are so vague and ambiguous that Applicant cannot reasonably prepare a response. To the extent the allegations require admission or denial, Applicant lacks sufficient information to admit or deny the allegations, and denies the allegations on that basis.

12. The allegations are so vague and ambiguous that Applicant cannot reasonably prepare a response. To the extent the allegations require admission or denial, Applicant lacks sufficient information to admit or deny the allegations, and denies the allegations on that basis.

13. The allegations are statements of opinion to which no admission or denial is required. To the extent the allegations purport to be factual allegations, they are so vague and ambiguous that Applicant cannot reasonably prepare a response. To the extent the allegations require admission or denial, Applicant lacks sufficient information to admit or deny the allegations, and denies the allegations on that basis.

14. Applicant denies the allegations.

15. The allegations are statements of opinion to which no admission or denial is required. To the extent the allegations purport to be factual allegations, they are so vague and ambiguous that Applicant cannot reasonably prepare a response. To the extent the allegations require admission or denial, Applicant lacks sufficient information to admit or deny the allegations, and denies the allegations on that basis.

16. Applicant denies the allegations.

17. Applicant denies the allegations.

18. The allegations are statements of opinion to which no admission or denial is required. To the extent the allegations purport to be factual allegations, they are so vague and ambiguous that Applicant cannot reasonably prepare a response. To the extent the allegations require admission or denial, Applicant lacks sufficient information to admit or deny the allegations, and denies the allegations on that basis.

19. The allegations are statements of opinion to which no admission or denial is required. To the extent the allegations purport to be factual allegations, Applicant lacks sufficient information to admit or deny the allegations, and denies the allegations on that basis.

20. Applicant denies the allegations.

21. To the extent Opposer alleges that registration of Applicant's GET ORDAINED mark will result in a blanket prohibition on Opposer's use of the words "get ordained," Applicant denies the allegations. Applicant lacks sufficient information to admit or deny the remaining allegations, and denies the remaining allegations on that basis.

22. The allegations are statements of opinion and hypothetical future events to which no admission or denial is required. To the extent the allegations purport to be factual allegations, they are so vague and ambiguous that Applicant cannot reasonably prepare a response. To the extent Opposer alleges that the owner of a trademark registration is legally empowered to prevent "fair use" of the registered mark, Applicant denies the allegations. Applicant lacks sufficient information to admit or deny the remaining allegations, and denies the remaining allegations on that basis.

23. The allegations are statements of legal opinion to which no admission or denial is required. To the extent Opposer alleges that any right conferred by federal registration would be

unlimited in scope, Applicant denies the allegations. Applicant lacks sufficient information to admit or deny the remaining allegations, and denies the remaining allegations on that basis.

### **AFFIRMATIVE DEFENSES**

Applicant states the following as affirmative defenses to the Notice of Opposition filed by Opposer:

1. Failure to state a claim on which relief may be granted;
2. Lack of standing;
3. Unclean hands;
4. Applicant's good faith; and
5. Failure to plead fraud with particularity.

DATED: November 27, 2017

Respectfully submitted:

MATESKY LAW<sup>PLLC</sup>

s/ Michael P. Matesky, II/

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Attorney for Applicant

### **CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing on Opposer's counsel of record by email transmission to [nancy.stephens@foster.com](mailto:nancy.stephens@foster.com), pursuant to Trademark Rule § 2.119(b), 37 C.F.R. § 2.119(b).

Dated: November 27, 2017

s/ Michael P. Matesky, II/  
Michael P. Matesky, II